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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

REGINA CHRISTINA BUDIAO,

Defendant and Appellant.

H046806

(Monterey County

Super. Ct. No. 18CR006114)

I. INTRODUCTION

A jury found defendant Regina Christina Budiao guilty of human trafficking of a minor for a sex act (Pen. Code, § 236.1, subd. (c)(1)).¹ The trial court sentenced defendant to serve 12 years in prison.

On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) that states the case but raises no issues. We notified defendant of her right to submit written argument on her own behalf within 30 days.² That period has elapsed and we have received no written argument from defendant.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² The time period for defendant to provide written argument on her own behalf was twice extended based on this court's March 18, 2020 and April 16, 2020 emergency orders addressing the COVID-19 public health emergency.

Pursuant to *Wende, supra*, 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*), we have carefully reviewed the entire record and determined that there are no arguable issues on appeal. Therefore, we will affirm the judgment.

II. FACTUAL AND PROCEDURAL BACKGROUND

Following the California Supreme Court's direction in *Kelly, supra*, 40 Cal.4th at page 110, we provide a brief description of the facts and the procedural history of the case.

A. Prosecution Evidence

In March 2018, Jane Doe was 16 years old and lived with her grandparents, mother, and brother. One night, Doe's grandfather caught Doe's boyfriend, M.R., and some other friends in Doe's room and told them to leave. The following evening, Doe decided to run away so that she could be with M.R. and "do drugs." Doe told M.R. he would need to provide for her until she turned 18. Doe packed her belongings and left.

M.R. took Doe to a homeless encampment in Salinas called "Chinatown," where they stayed for about a week. They lived in a tent belonging to defendant, who was known as "GG." Defendant gave M.R. drugs to sell. Doe used marijuana, Xanax, and alcohol every day she stayed in the tent. Doe got the drugs for free from M.R.

At some point, M.R. began telling Doe that she would have to start earning money. The first time, Doe and M.R. were walking around and M.R. said, " 'I'm going to ask this fool if, you know, if you want to have sex with him.' " Doe asked, " 'What?' " M.R. responded that he was " 'just kidding.' " The second time Doe and M.R. were in their tent and M.R. asked Doe if she would make some money by selling her body. Doe said, "[N]o." When M.R. asked a third time, Doe told him she would think about it.

Doe later had a conversation with defendant about prostitution. Defendant encouraged Doe to prostitute herself in Chinatown. Defendant told Doe her daughter had done it and "made a bunch of money and . . . had a nice car and . . . a nice house and . . .

was doing perfectly fine.” During their conversation, Doe agreed to sell her body to make money. Doe was under the influence of Xanax, marijuana, and alcohol when she spoke to defendant.

The next morning, defendant awakened Doe and told her it was time for her “to go work with somebody.” Doe said she was too tired and did not want to go. Defendant told Doe she had a customer for her. M.R. was not there, but Doe’s friend, N.M., told Doe to go and that she would be fine.

Doe walked with defendant to Chin Brothers liquor store. When Doe told defendant she was nervous, defendant said that “it would be fine [and] to do what [the man] says . . . and get the money and go.”

A man got out of a car parked in front of the liquor store and spoke to defendant. Defendant told Doe to go with the man. Doe got into the man’s car and he took her to Jack in the Box and bought her some food. Afterwards, the man brought Doe to the Economy Inn and rented a room. Once they were in the room, the man handed Doe \$150.

The man undressed and told Doe to take off her clothes. They had sex. At some point Doe asked the man for more money and he gave her an additional \$100. The man asked Doe for her contact information, which she provided under a fake name. The man took Doe back to Chinatown.

Defendant asked Doe if she had “ ‘made the money,’ ” and when Doe told defendant that she had, defendant said, “ ‘Good for you.’ ” Doe left with a friend to shower. M.R. called Doe and told her to come back and “make sure [she] had the 100 bucks with [her].”

When Doe saw M.R., M.R. asked Doe for the \$100 and she gave it to him. Doe did not tell M.R. that the man had paid her \$250. Doe left Chinatown soon afterwards and reunited with her family.

Epifanio Cervantes Preciado testified that he owned a body shop in Chinatown for about 17 years and went to Chin Brothers liquor store every day. Cervantes Preciado stated that Doe approached him outside of the liquor store and that she was alone. Doe told Cervantes Preciado that she was hungry and wanted to make money. Cervantes Preciado testified that he bought Doe some food, took her to a hotel, had sex with her, and gave her \$250. Cervantes Preciado denied that he knew defendant and did not identify her at trial.

Sacramento Sheriff's Sergeant John Sydow testified regarding various factors that commonly make someone more susceptible to human trafficking. Sergeant Sydow stated that he did not know the facts of this case.

According to Sergeant Sydow, human trafficking victims often have low self-esteem, low cognitive ability, some sort of trauma in their background, and/or family dysfunction or a lack of familial support. It is also common for victims to have been in foster care or to have had an absentee father. Many victims have not had their basic needs met, such as stable housing and food, and are "chronic runaways" or drug addicts. The more factors that are present, the higher the risk someone will be trafficked. It is common for human trafficking victims to delay reporting their victimization to the police.

Sergeant Sydow testified that traffickers determine what a victim needs in his or her life and find a way to fill those needs. Female human traffickers are becoming more common. Traffickers will sometimes use romantic relationships to control the victim.

B. *Defense Evidence*

Defendant's daughter, Briana Budiao, testified that defendant "wouldn't have anything to do with [prostitution]." Budiao was shocked when she learned of the prostitution charge against defendant.

Defendant's son, Ramon Raygoza, testified that he lived in Chinatown for about a year. Raygoza's and defendant's tents were next to each other. Raygoza stated that defendant was against prostitution.

Defendant testified that she never encouraged Jane Doe to engage in prostitution. Defendant stated that she did not know Cervantes Preciado but she had seen him around. Defendant had lived in Chinatown for approximately 25 years.

Defendant testified that she had spoken to Jane Doe once. Defendant had been asleep and heard some kids' voices outside of her tent. It was raining and Doe, M.R., and N.M., asked to come inside her tent. Defendant had already been acquainted with M.R. and N.M.

Defendant stated that at some point during her interaction with Doe, Doe told defendant that she had “ ‘a couple tricks lined up.’ ” Defendant asked Doe if she was “ ‘prostituting.’ ” Doe responded, “ ‘Something like that.’ ” Defendant tried to dissuade Doe, telling her it was “ ‘dangerous out there’ ” and she could be killed. Doe “got an attitude” and said she knew what she was doing. Defendant provided Doe with some clothes and shoes.

Defendant testified that Doe called a friend and then asked defendant to walk with her to the liquor store where she was going to meet her friend. When defendant and Doe got to the store, defendant went inside and Doe waited outside. Doe was gone by the time defendant exited the store. Defendant did not see Doe again.

Defendant denied that she sold drugs, “arrange[d] prostitution,” or got drugs for M.R. or Doe. Defendant stated that she had been convicted of a felony for selling drugs a long time ago, but had since stopped selling drugs and stayed out of trouble. Defendant admitted that she gave “a fake name a couple times when [she] was on felony probation.”

Salinas Police Detective Byron Gansen testified that he told defendant that she was free to leave at any time during her police interview and that she left on her “own free will” when the interview concluded.

C. *Rebuttal Evidence*

Doe testified that on the morning that defendant awakened her because defendant had a client for her, N.M. told Doe to go with defendant and that he would be waiting for

her when she returned and everything would be okay. When Doe got back to Chinatown, she gave \$100 to N.M. Afterwards, N.M. encouraged Doe to continue her prostitution. N.M. sent Doe a text message stating, “ ‘You got a customer from the shops. Trusted. Another one of GG’s.’ ”

D. Charges, Verdict, and Sentence

On September 12, 2018, defendant was charged with human trafficking of a minor for a sex act (§ 236.1, subd. (c)(1)) committed on or about March 16, 2018.

On January 14, 2019, a jury found defendant guilty as charged.

On February 15, 2019, the trial court sentenced defendant to the upper term of 12 years’ state prison and ordered her to pay various fines and fees.³ The court awarded defendant 429 days of custody credits.

Defendant filed a timely notice of appeal.

III. DISCUSSION

Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*Wende, supra*, 25 Cal.3d at pp. 441-443.)

IV. DISPOSITION

The judgment is affirmed.

³ The trial court imposed a \$55 administrative fee pursuant to section 1205, subdivision (d), which does not appear to apply here. (See §§ 1205, 1237.2.)

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

PREMO, ACTING P.J.

ELIA, J.

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